

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 • MADISON, WI 53701 • (608) 256-8900 • WWW.FFRF.ORG

May 2, 2023

Janet Crum
Division of Elections
P.O. Box 304
Trenton, NJ 08625-0304

EXHIBIT

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Re: Unconstitutional Religious Oath

Dear Ms. Crum:

I am writing on behalf of the Freedom From Religion Foundation (FFRF). FFRF is a national nonprofit organization with more than 39,000 members, including more than 750 members in New Jersey. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

We write to confirm the Division's policy on requiring candidates for office to sign a religious oath to be placed on a ballot. Specifically, we were contacted by a candidate who spoke with you regarding an alternative to the religious oath required in the Petition for Member of the New Jersey State Senate.¹ You replied to the inquiry that "[a]s per N.J.S.A. 41: 1-1 the words 'so help me god' are indicated in the statute and are to be used." No alternative was offered.

To be clear, the petition and the statute include parenthetically that an affirmation is allowed in place of a religious oath. It is our understanding, according to your reply to the candidate, that the Division's policy is that there is no alternative to the religious oath.

We enclose a letter sent to the attorney general explaining the unconstitutionality of a religious requirement for office. We sent subsequent letters to the Secretary of State and Division of Elections. To date, we have received no responses. We ask that an alternative form without the religious wording be provided or that the petition explicitly allow for the religious wording to be omitted or struck. Candidates must not be forced to choose between either signing a religious oath they do not believe or not running for office. Otherwise, we ask for confirmation of the Division's policy prohibiting a secular affirmation.

Thank you for your time and we look forward to your response.

Sincerely,



Karen M. Heineman
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation

Enclosure

¹ <https://www.state.nj.us/state/elections/assets/pdf/candidate/2023-general-election-petition-state-senate.pdf>. The required oath of allegiance is on page 14.